

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

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PATRICK LEMUEL BASS

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Plaintiff,

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v.

\* CIVIL ACTION NO. 3:05-CV-603-T  
WO

JAY JONES, SHERIFF, *et al.*,

\*

Defendants.

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**ORDER**

Plaintiff, an inmate incarcerated in the Lee County Detention Center in Opelika, Alabama, filed this 42 U.S.C. § 1983 on June 24, 2005. He complains that he was subjected to excessive force during his arrest. Among the named defendants are “Lee County Sheriff Department Task Force Officers.”

The Federal Rules of Civil Procedure do not provide for fictitious party practice as it is incompatible with federal procedure. *See* Rule 10(a) (“[i]n the complaint, the title of the action shall include the names of all the parties . . .”); *New v. Sports and Recreation, Inc.*, 114 F.3d 1092, 1094 at n.1 (11th Cir. 1997) (fictitious party practice not permitted in federal court and plaintiff’s failure to name parties required that court strike parties.); *Watson v. Unipress*, 733 F.2d 1386, 1388 (10th Cir. 1984) (plaintiff did not amend her complaint with identities of unknown defendants, and, therefore, no one directly involved in incident was

named as defendant.). In light of the foregoing and, the court deems it appropriate to require Plaintiff to file an amendment to his complaint which specifically identifies the unknown defendants.

Accordingly, it is ORDERED that:

1. Within fourteen (14) days of the filing date of this order Plaintiff shall file an amendment to his complaint which informs the court of the true names of the "Lee County Sheriff's Department Task Forces" who allegedly violated his constitutional rights. Plaintiff is cautioned that if he fails to properly respond to this directive these individuals will not be considered parties to this cause of action and they will be stricken from this case. *Hindes v. The Federal Deposit Insurance Corp.*, 137 F.3d 148, 155 (3rd Cir. 1998) (case law requires dismissal of fictitious parties when their proper identities are not submitted to the court.);

2. Plaintiff's amended complaint should specifically describe how each of the aforementioned defendants violated his constitutional rights. In his response to this directive, Plaintiff must **separately** list each Defendant and delineate by his/her name the actions and/or conduct which Plaintiff contends violated his constitutional rights. Each allegation in the amendment should be **simple, concise and direct**. See Rule 8, *Federal Rules of Civil Procedure*.

DONE, this 18<sup>th</sup> day of July, 2005.

/s/ Susan Russ Walker

SUSAN RUSS WALKER

UNITED STATES MAGISTRATE JUDGE